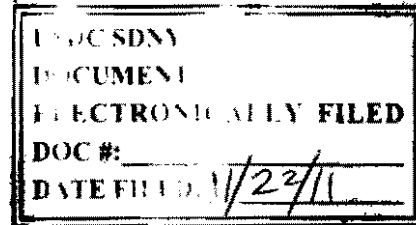


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



----- x
JOHN T. METCALF et al.,

Plaintiffs,

-against-

SOPHOCLES N. ZOULLAS et al.,

Defendants.
----- x

SUMMARY ORDER

11 Civ. 3996 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

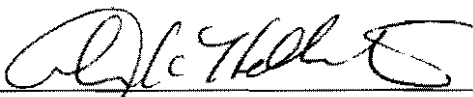
On November 21, 2011, oral argument was held on Defendants' motion to dismiss Plaintiffs' complaint pursuant to Fed. R. Civ. P. 12(b)(6) and 23.1(b). For the reasons stated on the record, Defendants' motion is denied and Plaintiffs' fourth cause of action is dismissed on consent, with prejudice.

Defendants shall file a responsive pleading by January 6, 2012. The parties shall appear on January 20, 2012 at 10:00 a.m. for a case management conference, at which they shall submit a joint proposed case management plan pursuant to my Individual Rule 2(A)(i).

The Clerk shall mark the motion (Doc. No. 10) terminated.

SO ORDERED.

Dated: November 22, 2011
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge